



LIQUOR CONTROL DIVISION

Frequently Asked Questions

Responsible Alcohol Sales and Service Act

License Holder Questions

Q. [What are the legal ages to serve and sell alcoholic beverages in Montana?](#)

A. A person must be at least 18 years old to serve alcohol in an open container (waiter, waitress or bartender. (39-2-306 MCA) There is no age limit for a person to sell or to receive shipments of alcohol in a closed container other than following the Fair Labor Standards Act which sets a minimum age of 14 for most non-agricultural work. (41-2-115 MCA)

Q. [What signs must I display if my establishment sells alcohol?](#)

A. You must display a placard that fully lists the consequences of violations of the provisions of this code by persons under 21 years of age. You may obtain a hard copy of this sign free of charge by calling (406) 444-6457 or [print](#) one out. (16-3-301(6) MCA)

Q. [What signs must I display if my establishment sells tobacco?](#)

A. You must display a sign that says "Montana law prohibits the sale of tobacco products to persons under 18 years of age." You may obtain a hard copy of this sign free of charge by calling 444-6457 or [print](#) one out. (16-11-304 MCA)

Q. [What is drink equivalency?](#)

A. This refers to a 1.5 fluid ounce drink of 80 proof distilled spirits, 5 fluid ounces of wine, 12 fluid ounces of beer or wine cooler, and 8 to 9 fluid ounces of a malt liquor as having the same amount (approximately 1 oz.) of ethyl (pure) alcohol. These are known as Standard Drink Units (SDU).

Q. [Who is responsible for checking identification to determine legal age of a customer?](#)

A. It should be the person who actually serves or sells the alcohol. An on premise establishment that employs a bouncer who checks identification at the door does not lessen the burden of the server to verify age before serving a drink.

Q. [What are the criminal penalties for a seller or server who sells an alcoholic beverage to an underage person?](#)

A. First offense: \$500 fine and possible jail time up to 6 months
Second offense: \$1,000 fine and possible jail time up to 6 months.
(45-5-623 MCA)

Q. [Is it against the law for children to be in a bar after a specific time?](#)

A. No. There is no liquor law prohibiting children from being in a bar after a specific time. However, an establishment may set a house policy of no one under the age of 21 allowed admittance after a specific time or not at all.

Q. Can an underage person legally purchase a beverage that contains alcohol?

A. Yes, if the beverage contains less than 0.5% alcohol by volume. The legal definition of an 'alcoholic beverage' in Montana is "a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume." Anything under 0.5% alcohol by volume is not considered an alcoholic beverage in the state of Montana. (16-1-106(4) MCA)

Q. What are the administrative penalties for an establishment that sells alcohol to an underage person?

A. First offense: \$250 fine

Second offense: \$1,000 fine

Third offense: \$1,500 fine and up to a 20 day suspension

Fourth offense: license revoked (ARM 42.13.101(3))

Q. Can a server or seller of alcohol provide an alcoholic beverage to someone who is intoxicated?

A. No. It is illegal to deliver, give away or sell alcohol to anyone who is actually, apparently, or obviously intoxicated. (16-3-301(4)(b) MCA and 16-6-304 MCA)

Q. Can a law enforcement official inspect any licensed establishment at any time?

A. Yes. A peace officer may enter at any time to examine the premises. (16-6-103 MCA and ARM 42.13.103)

Q. Can an alcoholic beverage be opened or consumed on the premises of an agency liquor store?

A. No. Alcoholic beverage containers may not be opened or consumed on the premises by an agent, employee or any other person. (16-2-107 MCA)

Q. What hours and days can an agency liquor store be open for business?

A. Agency liquor stores may remain open during the period between 8 am and 2 am. Agency liquor stores must be closed on legal holidays and between the close of business Saturday afternoon up to the opening of business on Tuesday morning unless they have filed an exemption for Mondays. (16-2-104 MCA)

Q. What hours are licensed establishments allowed to be open for the sale of alcohol?

A. Establishments where alcoholic beverages are sold, offered for sale, given away, or consumed must be closed between the hours of 2 am and 8 am. (16-3-304 MCA) However, businesses such as hotels, restaurants, bus depots, railway terminals, grocery stores, pharmacies, or other lawful businesses may remain open. For these businesses, no alcohol can be sold, offered for sale, given away, or consumed between 2 am and 8 am. (16-3-305 MCA) Breweries may provide samples between the hours of 10 am and 8 pm with no more than 48 ounces per customer. (16-3-213(2) MCA) Restaurants may sell alcohol between the hours of 11 am and 11 pm. (16-4-422 MCA)

Q. Who has to obtain responsible alcohol sales and service training?

A. Anyone who serves or sells alcohol, their immediate supervisor and the licensee, if they serve or sell, is required to obtain training from a state approved program. (16-4-1005 MCA)

Q. Is there any law that limits the amount of drinks an establishment can serve at one time to each individual customer?

A. No. However, the Department of Revenue highly recommends that establishments do not stack drinks or offer 'two for one' specials which promote binge drinking. An average person needs about two hours to metabolize approximately 1 standard drink which contains approximately one ounce of ethyl (pure) alcohol.

Q. What types of identification should I accept as proof-of-age to purchase alcohol?

A. The following are the most common forms of identification in Montana but any valid government issued form of identification is acceptable.

Current state or Canadian driver license or identification card

Current armed service identification card

Valid passport or passport card

Montana tribal identification card

Montana temporary driver license and identification card

Montana probationary driver license

Q. What should I do if presented with a fake or altered identification by an underage person?

A. If possible, make the refusal while still holding the identification in your hand. The underage person will usually leave the premises to avoid law enforcement. If the person demands that you return the identification and you fear for your safety, return the identification. Whether you have the identification or not, try to note a detailed description, direction of travel, and any vehicle information. Report any information to law enforcement immediately. If you confiscate identification, you must turn it over to your local law enforcement agency as soon as possible.

Q. What type of food should an establishment serve to help slow down the absorption of alcohol?

A. Foods with a high percent of fat and protein, like pizza, chicken wings, cheese sticks and deep fried items will slow the digestion rate and thus the absorption rate of alcohol into the bloodstream. Salty foods increase thirst and impact consumption; while foods high in sugar or carbohydrates are less effective in slowing the absorption of alcohol.

Youth Related Questions

Q. What can happen to me if I am underage and try to purchase alcohol?

A. *First offense:* Fine between \$100 and \$300, 20 hours community service, driver's license confiscated for 30 days, pay costs for participation in a community-based substance abuse course.

Second offense: Fine between \$200 and \$600, 40 hours community service, driver's license confiscated for 6 months, pay costs for participation in a community-based substance abuse course and complete a chemical dependency assessment and treatment.

Third offense: Fine between \$300 and \$900, 60 hours community service, driver's license confiscated for 6 months, pay costs for participation in a community-based substance abuse course and complete a chemical dependency assessment and treatment. (45-5-624 MCA)

Alcohol Server Training Related Questions

Q. [Who has to obtain responsible alcohol sales and service training?](#)

A. The law requires that all licensees ensure that any employee who serves or sells alcohol, their immediate supervisor and the licensee, if they serve or sell, obtain training from a state approved program. (16-4-1005 MCA)

Q. [Do volunteer's need to obtain responsible alcohol sales and service training?](#)

A. Yes. All volunteer's need to be trained unless they are working under a special permit. (16-4-1002 MCA)

Q. [Do all licensee's need to be trained?](#)

A. No. Only licensee's that actually serve or sell alcohol themselves need to be trained. (ARM 42.13.903)

Q. [Do employees who just remove alcohol from the table when cleaning up need to obtain responsible alcohol sales and service training?](#)

A. No. The law specifically says anyone who "serves or sells" alcohol must be trained.

Q. [How often does a server or seller need to obtain responsible alcohol sales and service training?](#)

A. Training must be received every three (3) years from a [state approved program](#). (16-4-1005 MCA)

Q. [When do new hires have to obtain responsible alcohol sales and service training?](#)

A. All new hires must be trained within 60 days of hire. (16-4-1005 MCA)

Q. [Does the mandatory alcohol sales and service training requirement apply to both on and off premises locations?](#)

A. Yes. The law applies to all retail establishments and manufacturers who are licensed to serve or sell alcoholic beverages.

Q. [Does it matter if you take an on-premise or off-premise responsible alcohol sales and service class?](#)

A. No. The law says employees that sell or serve alcoholic beverages must be appropriately trained to comply with state law prohibiting the sale and service of alcoholic beverages to persons under 21 years of age and to persons who are intoxicated. The law does not specify an on-premise vs. an off-premise course.

Q. [Do agency liquor store employees need to obtain responsible alcohol sales and service training?](#)

A. No. Agency liquor stores are not licensees. They are under contract with the state to provide services.

Q. Does the mandatory alcohol sales and service training requirement apply to airlines?

A. No. Airlines are exempt under the law as they are neither a retail establishment or manufacture as the law says.

Q. Is on-line alcohol sales and service training acceptable?

A. Yes.

Q. Can I make my employees pay for alcohol sales and service training?

A. The law is silent on who is financially responsible for the cost of training. A licensee may choose to address this issue with the employee via an employment agreement or contract. This is between the licensee and the employee. (ARM 42.13.903(6))

Q. Do I need to send in proof of alcohol sales and service training to the department?

A. No. However, the law says the licensee must maintain employment records verifying employee completion of the training requirement. You will need to show proof upon request by the department. (ARM 42.13.903(5))

Q. Who should keep the proof of alcohol sales and service training?

A. The original copy should always go with the employee as the training follows them where ever they work. The employer should keep a photocopy in their records.

Q. How is the mandatory alcohol sales and service training requirement enforced?

A. The department can enforce this law when a violation for either a sale to underage or intoxicated persons occurs. The department will ask the licensee for proof that their employees have been trained. If no proof is given, then a separate notice of violation will be issued to the licensee for a no training violation. (16-4-1008 MCA)

Q. What are the administrative penalties for a no training violation?

A. The administrative penalties for the licensee are as follows: \$50 penalty for the first offense, a \$200 penalty for the second and a \$350 penalty for the third offense in a three year period. There is no criminal penalty for the employee. (16-4-1008 MCA)

Q. Can a no training violation be mitigated?

A. No. Only the penalty can be mitigated. The count will still go against the license.

Q. Is a no training violation another count on the liquor license?

A. Yes

Q. Where can I find a list of state approved alcohol sales and server training programs?

A. You may find a current list [here](#).

Q. When and where is training held?

A. The location of classes varies depending on the program. Each program must be contacted directly to obtain class information.

Q. What is the cost of alcohol sales and service training?

A. The cost of training varies depending on the company. The state approved training programs are private, for profit companies and have their own fee structure and will need to be contacted directly to obtain fee information. The state's responsible alcohol sales and service training program, *Let's Control It*, can cost up to \$15.00 per person depending on the trainer.

Q. How long are classes?

A. The law requires that all state approved alcohol sales and service training programs be at least three hours in length. (ARM 42.13.904(6))

Q. Will a proof of training document be issued when alcohol sales and service training is complete?

A. Yes. All state approved training companies are required to issue some sort of proof of training. It may be a certificate or a wallet card. (ARM 42.13.904(13))